

## REMARKS/ARGUMENTS

Prior to the amendments presented herewith, claims 8-17, 19, 22-25, 27, 38, 52-54, 56 and 111-114 were pending. Claims 23, 24, 38, 53 and 112-114 are being amended. Accordingly, after the present amendments have been entered, claims 8-17, 19, 22-25, 27, 38, 52-54, 56 and 111-114 will be pending.

### 1. Information Disclosure Statements

Applicants thank the Examiner for acknowledging the previously filed Information Disclosure Statements on 4/5/2007 and 7/5/2007. Applicants note that a supplemental Information Disclosure Statement was filed October 17, 2007, after the mailing date of the present Official Action.

### 2. Claim Rejections Under 35 USC §112, Second Paragraph

Claims 8-17, 19, 22-25, 27, 38, 52-54, 56 and 112-114 are rejected as allegedly being indefinite.

With respect to the term “carbonyl,” Applicants respectfully submit that those skilled in the art would readily understand that the term, when used as part of a Markush group to describe optional substituents, refers to monovalent radicals derived from moieties containing a carbonyl group. Towards this end, the specification at paragraph [0070] provides a definition for “carbonyl.” However, solely for the purpose of advancing prosecution of the present application claims 23, 24, 38, 53 and 112-114 are being amended to delete the reference to “carbonyl” group.” In addition, claim 23, 24, 38, 53 and 112-114 are being amended to recite that the substituents include “monovalent radicals derived from aldehydes, amides, esters, iminoketones and ketones.”

With respect to the terms “alicyclic” and “aliphatic,” Applicants submit that those skilled in the art would readily understand that these terms, when used as part of a Markush group to describe optional substituents, refer to monovalent radicals derived from moieties containing alicyclic or aliphatic groups. Towards this end, the specification at paragraphs [0050] and [0051] provide definitions for “alicyclic” and “aliphatic.” However, solely for the purpose of advancing prosecution of the present application, claims 38 and 112-114 are being amended to delete

reference to “alicyclic” and “aliphatic” groups. Claims 38 and 112-114 are also being amended to recite that the substituents include “heteroalkyl” groups.

In light of the foregoing, the rejections under 35 USC §112 are believed to be overcome and should be withdrawn.

### **3. Double Patenting**

The Examiner has provisionally rejected claims 8-17, 19, 20, 22-25, 27, 38, 52-54, 56 and 111-114 under the doctrine of non-statutory obviousness-type double patenting as being allegedly unpatentable over claims 13, 27-29 and 31 of copending Application No. 10/809,637. Since the rejection is provisional, Applicants intend to address the rejection when one or both of the applications are otherwise in condition for allowance.

### **CONCLUSION**

Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Takeda San Diego, Inc.

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By: Mitchell R. Brustein  
Mitchell R. Brustein  
Reg. No. 38,394

Customer No. 32793  
Takeda San Diego, Inc.  
10410 Science Center Drive  
San Diego, CA 92121  
Telephone: (858) 622-8528  
Facsimile: (858) 550-0992